of unfair competition, reasoning that the purpose of the act was to protect competing traders, and was not to constitute the Federal Trade Commission a censor of commercial morals. The Federal Trade Commission Act was made general, however, with the aim that it might be flexible and enable the commission to act to the best advantage. A broader construction of its purpose would seem reasonable. It would seem that unfair competition could reasonably be construed to include any methods by which competing traders seek to obtain business for themselves and which deceive the public to their injury. In the *Sears, Roebuck & Co.* case, cited above, the company was ordered to desist from advertising untruthfully that it was able to give lower prices on sugar than competitors because of its exclusive enjoyment of certain markets. This order, it is seen, prohibits as unfair competition a practice which was never held to be such before the Federal Trade Commission Act. In the leading case some reliance was placed upon a decision by the Supreme Court that it was not unfair competition to refuse to sell cotton ties, the company having control of the market for ties, unless the customer also purchased cotton bagging. *Federal Trade Commission* v. *Gratz,* (1920), 253 U. S. 421. The acts complained of were judged as to their unfairness from the standpoint of the crowding out of other companies. This case did not involve a direct deception of customers as to the quality of goods purchased, and the leading case is the first to decide whether the commission could prevent this practice. It is clear that such a general practice of deception as was involved in the leading case is of genuine interest to the public. It should be prevented. Certiorari for review of the case has been granted. 41 Sup. Ct. 625. If the decision is sustained upon review, further legislation appears desirable.

WATERS AND WATERCOURSES—RIPARIAN LAND—WATERSHED.—Of three adjoining tracts of land bordering on a stream, plaintiff, a municipality, owned tract B, with a prescriptive right to divert all of the waters of the stream. Defendant, owning tract C, abutting on the stream below and extending behind the plaintiff's land, acquired a small strip of tract A, the uppermost tract, which strip bordered on the stream and was contiguous to her other land, tract C. Water was diverted from the stream at tract A for the use of a dwelling house situated on tract C. In a suit to enjoin such diversion, *held,* that tract C was not riparian to that portion of the stream opposite tract A and that such diversion was wrongful. *Town of Gordonsville* v. *Zinn,* (Va., 1921), 106 S. E. 508.

The cases are in conflict with regard to the extent of riparian land away from the stream. According to one view represented by *Anaheim Union Water Co.* v. *Fuller,* 150 Cal. 327, land to be riparian to a stream must lie within the watershed thereof and extend in a continuous tract to the stream bank. 11 L. R. A. (N. S.) 1062, 9 Ann. Cas. 1236.

> "The principal reason for the rule confining riparian rights to that part of the lands bordering on a stream which are within the watershed is that where water is used on such land it will, after such use, return to the stream, so far as it is not consumed, and that as the rain-

> fall on such land feeds the stream, the land is in consequence entitled, so to speak, to the use of the waters." *Anaheim Union Water Co.* v. *Fuller, supra.*

In direct conflict to the preceding, it has been held that all lands belonging to one owner, irrespective of the time and manner of their acquisition, are riparian if any part borders on a watercourse. *Jones* v. *Conn,* 39 Ore. 30, approved in *Clark* v. *Allaman,* 71 Kan. 206. The principal case adopts the first view, with the qualification, however, that it is not sufficient that land, to be riparian, lie within the general watershed, but it is necessary that the land be within the specific watershed of that portion of the stream to which it is claimed to be riparian. The substantial question in the case is one of priorities, and the court might well have treated a decision of the question of what are "riparian" lands as immaterial and have held, as a matter of principle, that the defendant was not to be permitted to nullify the effect of the plaintiff's senior right through the acquisition of a small strip of land above the plaintiff.

WILLS—GIFT TO SUBSCRIBING WITNESS.—One of the two subscribing witnesses to a will was also a beneficiary. A statute made all gifts to a subscribing witness void unless there were two other competent witnesses to the will. Several bystanders, who had been present when testator executed the instrument, were introduced as witnesses to the will and were able to testify to the facts of testator's signature in conformity with the statute. *Held,* the term "witness to a will" has a well-settled meaning, and means one who has attested the will by subscribing his name thereto. *In re Johnson's Estate,* (Wis., 1921), 183 N. W. 888.

Some authorities hold that attestation to a will does not require subscription by a witness. *Swift* v. *Wiley,* 1 B. Mon. 114; *Tobin* v. *Haack,* 79 Minn. 101. But the weight of authority is that attestation includes the act of subscription. *Calkins* v. *Calkins,* 216 Ill. 458. Under a statute requiring a will to be in writing and "witnessed" by two witnesses, it has been held that the witnesses should subscribe the will. *In re Boyeus' Will,* 23 Ia. 354. In Pennsylvania, where the statute requires proof of the signature of the testator by at least two competent witnesses, subscription to the will is not necessary to make it valid. *In re Irvine's Estate,* 206 Pa. 1. The principal case is in accord with the weight of authority where this question has been presented. Yet no case requires that the subscribing witnesses be summoned to prove the will, or that it fail without them or upon their disputing its authenticity. The probate of a will duly executed does not depend on the lives of the witnesses, their recollection of the facts, or their truthfulness; any evidence is competent which tends to prove the legal execution of the instrument. *Lyons* v. *Van Riper,* 26 N. J. Eq. 337; *In re Claflin's Will,* 73 Vt. 129. The evidence of subscribing witnesses is entitled to no greater credence than that of others having an equal opportunity to know the facts on issues of sanity, undue influence, and the like. PAGE ON WILLS, Sec. 366; *Higginbotham* v. *Higginbotham,* 106 Ala. 314; *McTaggart* v. *Thompson,* 14 Pa. St. 149. The requirement of subscribing witnesses is for purposes of